

COME NOW plaintiff and defendants SMART Alabama, LLC ("SMART"), WK Law Group, P.C., and Woon Kim, and hereby jointly move this Court to dismiss the above-styled case with prejudice with each party to bear its own costs. In support of this Motion, the parties state as follows:

- 52527793 v1

3. Defendant AGWM United is unrepresented in this case, AGWM United has failed to appear in this case since February 2023, and upon information and belief all the other parties to this case believe that AGWM United is defunct.

4. The interests of justice will be served by a complete dismissal of this case, including as to AGWM United.

5. Fed. R. Civ. P. 41(a)(2) provides for dismissal of this entire case under the circumstances. *City of Jacksonville v. Jacksonville Hospitality Holdings, L.P.*, 82 F.4th 1031, 1039 (11th Cir. 2023) ("We also note that if counsel are unable to acquire signatures from all parties who have appeared in the litigation, the Rules do not leave them without recourse. Should this situation arise, Rule 41(a)(2) still provide parties with an avenue for securing dismissals through court order.").

WHEREFORE, Plaintiff, SMART, WK Law Group, P.C., and Woon Kim request this Court dismiss this case with prejudice with each party to bear its own costs.

Respectfully submitted on January 3, 2024.

s/ Michael L Lucas

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**CERTIFICATE OF COMPLIANCE AND SERVICE**

I certify that on January 3, 2024, I prepared the foregoing Joint Motion to Dismiss in Book Antiqua, 13-point type in accordance with L.R. 5.1(C). I further certify that I electronically filed the foregoing with the Clerk of the Court through the CM/ECF system, which will automatically generate notice of such filing to the attorneys of record.

s/ Michael L. Lucas  
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